



November 12, 2013

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 12-3

Dear Ms. Dortch:

The undersigned spoke today with Matthew Berry, Chief of Staff to Commissioner Agit Pai, regarding the above-captioned proceeding and the related Notice of Proposed Rulemaking regarding the Sports Blackout Rule, although the discussion of the latter subject was entirely procedural in nature.

In response to questions from Mr. Berry, the undersigned discussed: (a) the possibility that eliminating the Sports Blackout Rule would not have any practical effect, given the restrictive requirements of the compulsory copyright statutes at issue (see attached); (b) the possibility that private contracts between the market participants would supplant the Sports Blackout Rule's current restrictions; and (c) the history of the Sports Broadcasting Act of 1961 and how Congress sought to preserve leagues' ability to impose local sports blackouts.

Sincerely,

/s/

David Goodfriend, Sports Fans Coalition

cc: Matthew Berry, Chief of Staff to Commissioner Agit Pai
Attachment

**Limitations on Pay-TV Providers Importing an
Out-of-Market Broadcast Signal to
Provide Fans with a Locally Blacked Out Game**

	Cable Company	DISH Network	DIRECTV
Compulsory copyright statutory restrictions	Sec. 111 makes market-wide importation cost-prohibitive (rate of up to 3.75% of revenue; carriage could trigger payment for entire 6-month period)	If-Locals-No-Distant rule precludes distant network signals to all 210 DMAs served with locals by DISH, which includes major media markets with sports stadiums	If-Locals-No-Distants rule applies because DIRECTV provides locals in major media markets with sports stadiums. Only exception might be grandfathered distant network signal subscribers
Network Non-Duplication Rule applies?	Yes—any game on network broadcast cannot be imported	Yes	Yes
Retransmission consent limitations imposed by out-of-market broadcaster?	Probably—out-of-market station retransmission consent agreements likely restrict out-of-market use of signal	Probably	Probably